

1 THE HONORABLE JAMAL N. WHITEHEAD  
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5 UNITED STATES DISTRICT COURT  
 6 WESTERN DISTRICT OF WASHINGTON  
 7 AT SEATTLE

8 UNITED STATES OF AMERICA,                           } No. CR24-191-JNW  
 9    } Plaintiff,    }  
 10   } DEFENSE SENTENCING  
 11   } MEMORANDUM  
 12 STEVEN J. MIGDON,                                   }  
 13   }  
 14   }  
 15   }  
 16   } Defendant.  
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18 Steven Migdon, through counsel, joins the government and U.S. Probation in  
 19 recommending the Court sentence Mr. Migdon to 48 months' imprisonment. A four-  
 20 year prison term is sufficient to ensure that Mr. Migdon, a 74-year-old first offender, is  
 21 punished for his misconduct and poses no further danger to the community. It avoids  
 22 unwarranted disparity with similarly situated offenders.

23 **I. BACKGROUND**

24 Between July 26, 2024, and August 5, 2025, Steven Migdon engaged in  
 25 sexualized chats with an undercover officer he believed was a 13-year-old boy. *See*  
 26 PSR ¶ 12. Officers arrested Mr. Migdon when he arrived for a planned meeting with the  
 purported child in Everett, Washington. In a wide-ranging post-arrest interview,  
 Mr. Migdon tearfully admitted his misconduct, and explained that he had developed a  
 sexualized interest in children over the prior six months. A search of Mr. Migdon's  
 phone revealed images of child pornography and evidence of other recent chats with  
 minors. PSR ¶¶ 16–20.

1           Mr. Migdon spent two months in custody, then was released on bond. *See* PSR  
 2 ¶ 6. For over eight months, he has complied fully with the terms of his release,  
 3 including by participating actively in the pretrial support group. PSR ¶ 6. Pretrial  
 4 Services therefore recommends that Mr. Migdon be permitted to surrender to the  
 5 designated institution.

6           Mr. Migdon's conduct defies easy explanation. His history contains no prior  
 7 history of misconduct against children. In his letter to the Court, Mr. Migdon explains  
 8 that he committed these crimes during a period of profound depression and isolation.  
 9 He is ashamed and horrified by his actions, grateful for the continued support of his  
 10 family, and determined never to fall into the same hole.

11          If the Court follows the parties' recommendation, Mr. Migdon will be released at  
 12 77 years old. He will reenter society without a residence or meaningful financial  
 13 resources, be supervised by U.S. Probation for at least five years, and be required to  
 14 register as a sex offender. Mr. Migdon is determined to make the best of his remaining  
 15 years, to comply with supervision, and to avoid any further contact with the law.

16          Because he is an elderly man convicted of a sex offense against children,  
 17 Mr. Migdon will be exposed to violence and social alienation while imprisoned. He  
 18 therefore respectfully asks the Court to recommend placement at FCI Safford, a low  
 19 security<sup>1</sup> facility that will permit Mr. Migdon to receive visits from family. If the BOP  
 20 is unable to accommodate placement at FCI Safford, he asks the Court to recommend  
 21 placement at FCI Elkton, Englewood, or Seagoville. These are low-security institutions  
 22 with Sex Offender Treatment Programs (SOTP). They are safer because they house a  
 23 larger number of sex offenders.

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 26<sup>1</sup> Persons convicted of sex offenses generally are not eligible for minimum security  
 "camp" placements but are instead placed in at least low-security institutions.

1           **II. THE 18 U.S.C. § 3553(A) FACTORS**

2           The 48-month sentence negotiated by the parties satisfies the 18 U.S.C.  
 3           § 3553(a) factors.

4           First, Mr. Migdon acknowledges that his conduct was shocking and  
 5           reprehensible. At the same time, his personal history is almost universally positive. At  
 6           age 74, Mr. Migdon has no prior criminal history and no prior history of misconduct  
 7           with children. His misconduct was comparatively short-lived and occurred during an  
 8           emotionally desolate period.

9           Four years' imprisonment is substantial punishment, if only because Mr. Migdon  
 10          will experience imprisonment more harshly than younger or stronger offenders. And  
 11          while his flawless compliance with pretrial supervision proves that Mr. Migdon can live  
 12          safely in the community, any risk of reoffense will be tempered by at least a decade of  
 13          registration and supervision.

14          There is no question that Mr. Migdon will receive rehabilitative services and  
 15          mental health treatment more effectively in the community. Just as importantly, the  
 16          Bureau of Prisons is poorly equipped to provide the medical care that Mr. Migdon will  
 17          require as he ages.

18          All parties and the probation officer agree that the Guideline range does not  
 19          reflect a reasonable starting point for sentencing.

20          Finally, the negotiated sentence will not result in sentencing disparity. Indeed,  
 21          the parties' agreement resulted in part from a comparison with other cases in which  
 22          offenders of a similar age committed similar offenses. *E.g., United States v. McCool,*  
 23          CR24-102-JCC (48-month sentence imposed on 63-year-old first offender who met  
 24          with an undercover agent pretending to be a minor). A longer sentence therefore would  
 25          risk undercutting the parties' good-faith efforts.

### III. CONCLUSION

Though Mr. Migdon acknowledges he engaged in terrible acts during a period of extreme desperation, he poses no further danger to the community. For this 74-year-old first offender, a 48-month sentence is sufficient.

DATED this 3rd day of July 2025.

Respectfully submitted,

s/ *Gregory Murphy*

Assistant Federal Public Defender  
Attorney for Steven Migdon